

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SCOTT A. ELLIOTT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Case No. 14-cv-9625
v.)	
)	Judge Charles R. Norgle, Sr.
MISSION TRUST SERVICES, LLC, <i>et al.</i> ,)	
)	Magistrate Judge Jeffrey N. Cole
Defendants.)	

MISSION TRUST SERVICES, LLC'S REQUEST FOR A DECISION

Defendant/Counter-Plaintiff Mission Trust Services, LLC ("MTS"), through its undersigned counsel and pursuant to Local Rule 78.5, moves this Court for a decision on the Motion to Quash Subpoenas and Motion for Protective Order ("Caraway Motion") (Docket #1) filed in this case.

1. Plaintiffs brought the underlying action (13-cv-07770) seeking a declaratory judgment and injunctive relief regarding their rights as beneficiaries of the Mission Millbrook DST, a Delaware statutory trust. MTS filed a Counterclaim based on Plaintiffs' wrongful actions asserting claims for, *inter alia*, breach of contract; breach of common law, statutory and/or fiduciary duties; defamation of MTS; and tortious interference with a valid contractual relationship or business expectancy.
2. MTS has been conducting discovery related to the Counterclaim.
3. That discovery has included attempting to take the deposition of non-party Hugh L. Caraway, Jr., who resides in Texas. Specifically, MTS properly served subpoenas on Caraway, requiring him to produce documents and appear for a deposition in Texas.

4. On October 24, 2014, Caraway filed the Caraway Motion in the United States District Court for the Western District of Texas, San Antonio Division, seeking to quash the subpoenas served upon him.

5. MTS thereafter moved the District Court in Texas to transfer that motion to this Court. The motion to transfer was granted. MTS then moved to have this matter, involving Caraway's motion to quash, Case No. 14-cv-9625, reassigned to Judge Norgle as being related to the underlying case, Case No. 13-cv-07770, and that motion was also granted.

6. On March 9, 2015, discovery matters in this matter were referred to Magistrate Judge Cole. (Docket # 39.)

7. The Caraway Motion is fully briefed and ripe for decision following extensive, ultimately unsuccessful, efforts by MTS to resolve the issues raised in the Caraway Motion, including, but not limited to: exchanging letters with case law, facts and identification of documents on March 23, 24, and 30, 2015 and April 1 and 2, 2015, and thoroughly discussing the same and making reasonable efforts to resolve the issues raised in the Caraway Motion during a telephone conference on March 30, 2015 between counsel for MTS, Sarah L. Wixson and Michael R. Wolin, and counsel for Caraway, Michael W. O'Donnell and Lauren A. Valkenaar.

8. On March 31, 2015, Caraway's counsel transmitted courtesy copies of all filings pertinent to the Caraway Motion to the Court.

9. MTS respectfully requests that it be given an opportunity to briefly address at a hearing with the Court the issues raised in the Caraway Motion.

WHEREFORE, MTS requests that this Court set a hearing date for the Caraway Motion and subsequently decide that motion.

Respectfully submitted,

/s/ James D. Adducci

One of the attorneys for defendants, Mission Trust Services, LLC and Christopher C. Finlay

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Motion and Mission Trust Services, LLC's Request for a Decision was served by CM/ECF on April 2, 2015, upon:

Michael William O'Donnell
Lauren Valkenaar
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/s/ James D. Adducci